

### **REMARKS**

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Following the amendments, claims 51, 52, 65 and 69-71 are under examination, with claims 51 and 65 being in independent format.

Claims 33 and 37-39 have been cancelled from the application. Claim 51 has been amended to clarify that the presence or expression of the Ciz 1 gene, Ciz1 splice variants or mutations in the genomic sequence thereof is indicative of the presence of cancer. Claim 52 has been amended to correct minor errors in the language of the claims.

It is urged that support for all the above amendments may be found throughout the specification as originally filed, and that none of the amendments constitute new matter. Applicants specifically reserve the right to pursue claims to subject matter cancelled from the claims by the above amendments in one or more related patent applications.

#### **Claim Rejections under 35 USC §112, first paragraph**

Claims 33 and 37-39 stand rejected under 35 USC §112, first paragraph, as lacking an adequate written description. While applicant disagrees with the Examiner's position and does not acquiesce in this rejection, claims 33 and 37-39 have been cancelled from the application in order to expedite issuance of allowable claims.

It is respectfully submitted that, following entry of the above amendments, this rejection can be properly withdrawn.

#### **Claim Rejections under 35 USC §112, second paragraph**

Claims 37-39, 51, 52, 66 and 69-71 stand rejected under 35 USC §112, second paragraph, as being indefinite. Applicant notes that claim 66 has been withdrawn. The inclusion of claim 66 in this rejection therefore appears to be an error.

As noted above, claims 33 and 37-39 have been cancelled. With regards to claim 51, the claim has been amended to clarify that the presence or expression of the Ciz 1 gene, Ciz1 splice variants or mutations in the genomic sequence thereof is indicative of the presence of cancer.

With regards to claim 52, the term "molecule" in step (iv) has been replaced with "Ciz1 molecule".

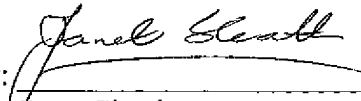
It is urged that one of skill in the art would be able to fully determine the metes and bounds of the amended claims and that this rejection of the claims can therefore be properly withdrawn.

**Concluding Remarks**

The Examiner has indicated that claim 65 is allowable. Early reconsideration and allowance of all the pending claims is respectfully requested.

Should the Examiner have any questions or concerns regarding the application, he is respectfully requested to telephone the undersigned at (206)382.1191.

Respectfully submitted,

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